

This law proposed by Senate Bill 1174 of the 2013-2014 Regular Session (Chapter 753, Statutes of 2014) is submitted to the people in accordance with Section 10 of Article II of the California Constitution.

This proposed law amends and repeals sections of the Education Code; therefore, provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

**PROPOSED LAW**

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**SECTION 1.** This measure shall be known, and may be cited, as the "California Ed.G.E. Initiative" or "California Education for a Global Economy Initiative."

**SEC. 2.** Section 300 of the Education Code is amended to read:

**300.** The People ~~people~~ of California find and declare as follows:

(a) Whereas, The English language is the national public language of the United States of America and of the State of California, is spoken by the vast majority of California residents, and is also the leading world language for science, technology, and international business, ~~science and technology~~, thereby being ~~the an important~~ language of economic opportunity; and

(b) Whereas, Immigrant ~~All~~ parents are eager to have their children acquire a good knowledge of English, ~~thereby allowing master the English language and obtain a high-quality education, thereby preparing~~ them to fully participate in the American Dream of economic and social advancement; and

(c) Whereas, California is home to thousands of multinational businesses that must communicate daily with associates around the world; and

(d) Whereas, California employers across all sectors, both public and private, are actively recruiting multilingual employees because of their ability to forge stronger bonds with customers, clients, and business partners; and

(e) Whereas, Multilingual skills are necessary for our country's national security and essential to conducting diplomacy and international programs; and

(f) Whereas, California has a natural reserve of the world's largest languages, including English, Mandarin, and Spanish, which are critical to the state's economic trade and diplomatic efforts; and

(g) Whereas, California has the unique opportunity to provide all parents with the choice to have their children educated to high standards in English and one or more additional languages, including Native American languages, thereby increasing pupils' access to higher education and careers of their choice; and

(e) (h) Whereas, The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children, regardless of their ethnicity or national origins, ~~origin~~, with the skills necessary to become productive members of our society, and of these skills, literacy in the English language is among the most important; and

(d) (i) Whereas, ~~The public schools of California currently do a poor job of educating immigrant children, wasting financial resources on costly experimental language programs whose failure over the past two decades is demonstrated by the current high drop out rates and low English literacy levels of many~~

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~~immigrant children; California Legislature approved, and the Governor signed, a historic school funding reform that restructured public education funding in a more equitable manner, directs increased resources to improve English language acquisition, and provides local control to school districts, county offices of education, and schools on how to spend funding through the local control funding formula and local control and accountability plans; and~~

~~(j) Whereas, Parents now have the opportunity to participate in building innovative new programs that will offer pupils greater opportunities to acquire 21st century skills, such as multilingualism; and~~

~~(k) Whereas, All parents will have a choice and voice to demand the best education for their children, including access to language programs that will improve their children's preparation for college and careers, and allow them to be more competitive in a global economy; and~~

~~(l) Whereas, Existing law places constraints on teachers and schools, which have deprived many pupils of opportunities to develop multilingual skills; and~~

~~(e) (m) Whereas, Young immigrant children can easily acquire full fluency in a new language, such as English, if they are heavily exposed to that language in the classroom at an early age. A large body of research has demonstrated the cognitive, economic, and long-term academic benefits of multilingualism and multiliteracy.~~

~~(f) (n) Therefore, It is resolved that: amendments to, and the repeal of, certain provisions of this chapter at the November 2016 statewide general election will advance the goal of voters to ensure that all children in California public schools shall be taught English as rapidly and effectively as possible. receive the highest quality education, master the English language, and access high-quality, innovative, and research-based language programs that provide the California Ed.G.E. (California Education for a Global Economy).~~

**SEC. 3.** Section 305 of the Education Code is amended to read:

**305.** ~~Subject (a) (1) to the exceptions provided in Article 3 As part of the parent and community engagement process required for the development of a local control and accountability plan pursuant to Article 4.5 (commencing with Section 310), all children in California public schools shall be taught English by being taught in English. In particular, this shall require that all children be placed in English language classrooms. Children who are English learners shall be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year. Local schools shall be permitted to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local schools shall be encouraged to mix together in the same classroom English learners from different native language groups but with the same degree of English fluency. Once English learners have acquired a good working knowledge of English, they shall be transferred to English language mainstream classrooms. As much as possible, current supplemental funding for English learners shall be maintained, subject to possible modification under Article 8 (commencing with Section 335) below.~~

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52060) of Chapter 6.1 of Part 28 of Division 4 of Title 2, school districts and county offices of education shall solicit input on, and shall provide to pupils, effective and appropriate instructional methods, including, but not limited to, establishing language acquisition programs, as defined in Section 306. This requirement is intended to ensure that all pupils, including English learners and native speakers of English, have access to the core academic content standards, including the English language development standards, as applicable, and become proficient in English pursuant to the state priorities identified in paragraph (2) of subdivision (d) of Section 52060 and of Section 52066.

(2) School districts and county offices of education shall, at a minimum, provide English learners with a structured English immersion program, as specified in Section 306, for purposes of ensuring that English learners have access to the core academic content standards, including the English language development standards, and become proficient in English pursuant to the state priorities identified in paragraph (2) of subdivision (d) of Section 52060 and of Section 52066.

(b) When a school district or a county office of education establishes a language acquisition program pursuant to this section, the school district or county office of education shall consult with the proper school personnel, including, but not limited to, administrators and certificated teachers with the appropriate authorizations and experience.

(c) School districts and county offices of education are also encouraged to provide opportunities to pupils who are native speakers of English to be instructed in another language to a degree sufficient to produce proficiency in that language. The non-English language should be at the discretion of the parents, community, and school, depending upon the linguistic and financial resources of the school community and other local considerations.

(d) A language acquisition program established pursuant to this section shall comply with the requirements of Section 310.

**SEC. 4.** Section 306 of the Education Code is amended to read:

**306.** The definitions of the terms used in this article and in Article 31 (commencing with Section 310) 300) are as follows:

(a) "English learner" means a child who does not speak English or whose native language is not English and who is not currently able to perform ordinary classroom work in English, also known as a Limited English Proficiency or LEP child; pupil who is "limited English proficient" as that term is defined in the federal No Child Left Behind Act of 2001 (20 U.S.C. 7801(25)).

(b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel possess a good knowledge of the English language. "Native speaker of English" means a pupil who has learned and used English in his or her home from early childhood and English has been his or her primary means of concept formation and communication.

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~~(c) "English language mainstream classroom" means a classroom in which the pupils either are native English language speakers or already have acquired reasonable fluency in English. "Language acquisition programs" refers to educational programs designed to ensure English acquisition as rapidly and as effectively as possible, and that provide instruction to pupils on the state-adopted academic content standards, including the English language development standards. The language acquisition programs provided to pupils shall be informed by research and shall lead to grade level proficiency and academic achievement in both English and another language. Language acquisition programs may include, but are not limited to, all of the following:~~

~~(1) Dual-language immersion programs that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.~~

~~(2) Transitional or developmental programs for English learners that provide instruction to pupils that utilizes English and a pupil's native language for literacy and academic instruction and enables an English learner to achieve English proficiency and academic mastery of subject matter content and higher order skills, including critical thinking, in order to meet state-adopted academic content standards.~~

~~(d) (3) "Sheltered English immersion" or "structured English immersion" means an English language acquisition process for young children. Structured English immersion programs for English learners in which nearly all classroom instruction is provided in English, but with the curriculum and a presentation designed for children pupils who are learning the language. English.~~

~~(e) "Bilingual education/native language instruction" means a language acquisition process for pupils in which much or all instruction, textbooks, and teaching materials are in the child's native language.~~

**SEC. 5.** Section 310 of the Education Code is amended to read:

**310.** ~~The (a) requirements of Section 305 may be waived with the prior written informed consent, to be provided annually, of the child's Parents or legal guardians of pupils enrolled in the school may choose a language acquisition program that best suits their child pursuant to this section. Schools in which the parents or legal guardian under the circumstances specified below and in Section 311. Such informed consent shall require that said guardians of 30 pupils or more per school or the parents or legal guardian personally visit the school to apply for the waiver and that they there be provided a full description of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. Under such parental waiver conditions, children may be transferred to classes where they are taught English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law. Individual schools in which guardians of 20 pupils or more of a given grade level receive a waiver in any grade request a language acquisition program that~~

*is designed to provide language instruction shall be required to offer such a class; otherwise, they must allow the pupils to transfer to a public school in which such a class is offered. program to the extent possible, based upon the requirements of Section 305.*

*(b) If a school district implements a language acquisition program pursuant to this section, it shall do both of the following:*

*(1) Comply with the kindergarten and grades 1 to 3, inclusive, class size requirements specified in Section 42238.02.*

*(2) Provide, as part of the annual parent notice required pursuant to Section 48980 or upon enrollment, the parent or legal guardian of a minor pupil with information on the types of language programs available to pupils enrolled in the school district, including, but not limited to, a description of each program.*

**SEC. 6.** Section 311 of the Education Code is repealed.

~~**311.** The circumstances in which a parental exception waiver may be granted under Section 310 are as follows:~~

~~(a) Children who already know English: the child already possesses good English language skills, as measured by standardized tests of English vocabulary comprehension, reading, and writing, in which the child scores at or above the state average for his or her grade level or at or above the 5th grade average, whichever is lower; or~~

~~(b) Older children: the child is age 10 years or older, and it is the informed belief of the school principal and educational staff that an alternate course of educational study would be better suited to the child's rapid acquisition of basic English language skills; or~~

~~(c) Children with special needs: the child already has been placed for a period of not less than thirty days during that school year in an English language classroom and it is subsequently the informed belief of the school principal and educational staff that the child has such special physical, emotional, psychological, or educational needs that an alternate course of educational study would be better suited to the child's overall educational development. A written description of these special needs must be provided and any such decision is to be made subject to the examination and approval of the local school superintendent, under guidelines established by and subject to the review of the local Board of Education and ultimately the State Board of Education. The existence of such special needs shall not compel issuance of a waiver, and the parents shall be fully informed of their right to refuse to agree to a waiver.~~

**SEC. 7.** Section 320 of the Education Code is amended to read:

**320.** As detailed in Article ~~Section 5 of Article 9~~ IX of the California Constitution, and Article 2 (commencing with Section 305) and Article 3 (commencing with Section 310), respectively, all California school children have the right to be provided with an English language public education. If a California school child

~~has been denied the option of an English language instructional curriculum in public school, the child's parent or legal guardian shall have legal standing to sue for enforcement of the provisions of this statute, and if successful shall be awarded normal and customary attorney's fees and actual damages, but not punitive or consequential damages. Any school board member or other elected official or public school teacher or administrator who willfully and repeatedly refuses to implement the terms of this statute by providing such a free public education and an English language educational option at an available public school to a California school child may be held personally liable for fees and actual damages by the child's parents or legal guardian. public education.~~

**SEC. 8.** Section 335 of the Education Code is amended to read:

**335.** The provisions of this act may be amended by a statute that becomes effective upon approval by the electorate or by a statute to ~~further the act's purpose~~ passed by a two-thirds *majority* vote of each house of the Legislature and signed by the Governor.

**SEC. 9.** Sections 2 to 8, inclusive, of this act shall become operative on July 1, *2017* rowan

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